

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|-----------------------------------|---|----------------------|
| PIONEER CHRISTIAN ACADEMY, |) | |
| |) | |
| Plaintiff |) | |
| |) | Case No. 3:12-0610 |
| v. |) | Judge Campbell/Brown |
| |) | Jury Demand |
| THE CINCINNATI INSURANCE COMPANY, |) | |
| |) | |
| Defendant |) | |

O R D E R

The parties have filed a joint motion to alter or amend the scheduling order, pointing out that a ruling had not been made on certain documents submitted for *in camera* review (Docket Entry 22). The Magistrate Judge has reviewed his order concerning this matter (Docket Entry 21). The order provided that if the parties were unable to resolve the discovery dispute that they should, within 14 days, provide the Magistrate Judge *in camera* the pages that remained in dispute, along with the privilege log items which the Plaintiff wished to further contest.

Unfortunately, this material was submitted to the Magistrate Judge's chambers in an email in August, rather than being filed with the Clerk under seal. Although the email was sent to the Magistrate Judge's chambers on August 13, 2013, for some reason it was not listed on the docket nor did it make it to the Magistrate Judge's desk. Thus, the Magistrate Judge was under the incorrect belief that the parties had, in fact, resolved the matter.

The present motion is the first notice the Magistrate Judge had that the parties were waiting on something from him.

This is a case where a motion to ascertain status would have brought this problem to a head earlier. The Magistrate Judge will attempt to work on this matter and have a resolution by Monday, if possible.

The **Clerk** will file the email from Mr. Ferrell as a sealed document with access restricted to the court only. This matter is presently set for trial on July 15, 2014 (Docket Entry 19).

A telephone conference with Magistrate Judge Brown to discuss dates for a revised scheduling order consistent with this trial date is set for **December 12, 2013, at 2:30 p.m. To participate in the conference call, parties will call 615-695-2851 at the scheduled time.**

The motion to establish these dates is therefore **GRANTED.**

It is so **ORDERED.**

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge